

§ 111.60

19 CFR Ch. I (4–1–07 Edition)

broker, in the manner set forth in § 111.63, written notice that:

- (1) Transmits a copy of the proposed statement of charges;
- (2) Informs the broker that formal proceedings are available to him;
- (3) Informs the broker that sections 554 and 558, Title 5, United States Code, will be applicable if formal proceedings are necessary;
- (4) Invites the broker to show cause why formal proceedings should not be instituted;
- (5) Informs the broker that he may make submissions and demonstrations of the character contemplated by the cited statutory provisions;
- (6) Invites any negotiation for settlement of the complaint or charge that the broker deems it desirable to enter into;
- (7) Advises the broker of his right to be represented by counsel;
- (8) Specifies the place where the broker may respond in writing; and
- (9) Advises the broker that the response must be received within 30 calendar days of the date of the notice.

§ 111.60 Request for additional information.

If, in order to prepare his response, the broker desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may request that information in writing. The broker's request must set forth in what respect the proposed statement of charges leaves him in doubt and must describe the particular language of the proposed statement of charges as to which additional information is needed. If in the opinion of the port director that information is reasonably necessary to enable the broker to prepare his response, he will furnish the broker with that information.

§ 111.61 Decision on preliminary proceedings.

The port director will prepare a summary of any oral presentations made by the broker or his attorney and forward it to the Assistant Commissioner together with a copy of each paper filed by the broker. The port director will

also give to the Assistant Commissioner his recommendation on action to be taken as a result of the preliminary proceedings. If the Assistant Commissioner determines that the broker has satisfactorily responded to the proposed charges and that further proceedings are not warranted, he will so inform the port director who will notify the broker. If no response is filed by the broker or if the Assistant Commissioner determines that the broker has not satisfactorily responded to all of the proposed charges, he will advise the port director of that fact and instruct him to prepare, sign, and serve a notice of charges and the statement of charges. If one or more of the charges in the proposed statement of charges was satisfactorily answered by the broker in the preliminary proceedings, the Assistant Commissioner will instruct the port director to omit those charges from the statement of charges.

§ 111.62 Contents of notice of charges.

The notice of charges must inform the broker that:

- (a) Sections 554 and 558, Title 5, United States Code, are applicable to the formal proceedings;
- (b) The broker may be represented by counsel;
- (c) The broker will have the right to cross-examine witnesses;
- (d) Within 10 calendar days after service of this notice, the broker will be notified of the time and place of a hearing on the charges; and
- (e) Prior to the hearing on the charges, the broker may file, in duplicate with the port director, a verified answer to the charges.

§ 111.63 Service of notice and statement of charges.

(a) *Individual.* The port director will serve the notice of charges and the statement of charges against an individual broker as follows:

- (1) By delivery to the broker personally;
- (2) By certified mail addressed to the broker, with demand for a return card signed solely by the addressee;
- (3) By any other means which the broker may have authorized in a written communication to the port director; or